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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference KAIST/021118 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/KR2002/002033 | International filing date (day/month/year) 31 OCTOBER 2002 (31.10.2002) | Priority date (day/month/year) 22 FEBRUARY 2002 (22.02.2002) |
| International Patent Classification (IPC) or national classification and IPC IPC7 C12N 15/63, C12N 15/03 | | |
| Applicant KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY et al | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 19 SEPTEMBER 2003 (19.09.2003) | Date of completion of this report 25 MAY 2004 (25.05.2004) |
| Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140 | Authorized officer LEE, CHUNG HO Telephone No. 82-42-481-8160  |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2002/002033

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2002/002033

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-8 | YES |
| | Claims | none | NO |
| Inventive step (IS) | Claims | 5-8 | YES |
| | Claims | 1-4 | NO |
| Industrial applicability (IA) | Claims | 1-8 | YES |
| | Claims | none | NO |

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: Chatterjee P.K. and Coren J.S., Nucleic Acids Res., vol. 25(11), pp. 2205-2212 (01 June 1997)

D2: Sternberg N. and Cohen G., J. Mol. Biol., vol. 207(1), pp. 111-133 (05 May 1989)

I. Novelty

Claims 1-8 relate to a transposon and a method for constructing novel strains containing deletion of a specific chromosomal site. D1 and D2 do not describe the same transposon as the present invention and the method of constructing strains of a microorganism. Therefore, claims 1-8 are considered to be novel under PCT Article 33(2).

II. Inventive Step

Claims 1-4 claim a transposon comprising outer end transposase recognition sequences having a base sequence on one end and its reverse-complementary sequence on the other end, loxP site and selection markers.

D1 discloses a transposon comprising transposase recognition sequences at both ends, loxP site, and CmR gene as a selection marker. D2 discloses a transposon prepared on a basis of Tn5. Accordingly, a person skilled in the art can invent the present invention, that is, the use of KmR gene, GFP gene and CmR gene as a selection marker, by easy substitution. Though the present invention limits the genes as their sequences, the sequence of each gene is already known. Consequently, said claims of the present invention can be readily invented by a person skilled in the art from the inventions disclosed in D1 and D2. Therefore, claims 1-4 are considered to lack an inventive step under PCT Article 33(3).

III. Industrial Applicability

The subject matter of claims 1 to 8 is considered to be industrially applicable under PCT Article 33(4).